

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

OSCAR MOORE; et al.

PLAINTIFFS

vs.

No. 1:03CV579-D-D

TRUE TEMPER SPORTS

DEFENDANT

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

Presently before the court is the Defendant's motion for summary judgment. Upon due consideration, the court finds that the motion should be denied.

The court finds that genuine issues of material fact exist, and that the Defendant has failed to show that it is entitled to judgment as a matter of law. Further, the court has the discretion, which it exercises here, to allow the Plaintiffs' claims to proceed to trial. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255, 106 S. Ct. 2505, 2513, 91 L. Ed. 2d 202 (1986) ("Neither do we suggest ... that the trial court may not deny summary judgment in a case where there is reason to believe that the better course would be to proceed to a full trial.").

THEREFORE, it is hereby ORDERED that the Defendant's motion for summary judgment (docket entry 29) is DENIED; in addition, the Defendant's motion to strike (docket entry 49) is DENIED: the court did not consider the subject purported legal conclusions contained in the Plaintiffs' exhibits in ruling on the Defendant's motion for summary judgment.

SO ORDERED, this the 5th day of August 2005.

/s/ Glen H. Davidson  
Chief Judge